

Settlement/Hearing: August 11th, 2010
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 08-23404 RDD

TRACY HUMPHREY,

NOTICE OF SETTLEMENT

Debtor

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PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 11th day of August, 2010 at 10:00 A.M. in the Judge's Chambers, United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

PLEASE TAKE FURTHER NOTICE, that Hearings on Objections, if any, to be conducted same place, date and time. Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York
July 19th, 2010

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS 0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. 914-328-6333

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Tracy Humphrey
55 Buttonwood Road
Cortlandt Manor, New York 10567

Edward L. Koester, Esq.
1457 Knapp Street
Bronx, New York 10469

JP Morgan Chase Bank, NA
Washington Mutual Bank
Bankruptcy Department
2210 Enterprise Drive SCI-3048
Florence, South Carolina 29501

JP Morgan Chase Bank, NA
Washington Mutual Bank
c/o Fein Such & Crane, PC
7 Century Drive
Parsippany, New Jersey 07054

SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13

Case No. 08-23404 RDD

TRACY HUMPHREY,

Debtor

-----x

ORDER DISMISSING CHAPTER 13 CASE

The chapter 13 trustee having moved for an order dismissing this chapter 13 case; and upon the motion and the record of the hearing held on August 11, 2010, the Court having found that the above-captioned debtor has failed to comply with the provision of 11 U.S.C. § 1307 (c)(6) and the amended order confirming plan dated June 2, 2009 directing the debtor to remit monthly payments according to plan, and the debtor failing to comply therewith, and being, at this juncture, in material arrears with plan payments to the trustee, and there being a material default in this confirmed plan, and good cause appearing,

IT IS ORDERED THAT:

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York
August , 2010

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

IN RE:

Chapter 13
Case No. 08-23404 RDD

TRACY HUMPHREY,

TRUSTEE'S AFFIDAVIT

Debtor

-----X

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on September 27th, 2008.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307 (c) (6).
4. The debtor has failed to comply with the Amended Order Confirming Plan dated June 2nd, 2009 whereby the debtor must remit monthly payments to the trustee in the sum of \$425.00 for 6 months and \$10,500.00 for 1 month; and \$472.93 for 10 months.
5. The debtor has paid the trustee to date the sum of \$15,422.00.
6. The debtor is \$2,086.67 in arrears in plan payments to the trustee, which sum will pay the balance due to creditors and complete the debtor's bankruptcy obligation.
7. There exists a material default in this confirmed plan.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing

this case, be signed.

/s/ Jeffrey L. Sapir

Jeffrey L. Sapir

Sworn to before me this
19th day of July, 2010

/s/ Jody L. Kava

Jody L. Kava

Notary Public, State of New York

No. 4836806

Qualified in Westchester County

Term Expires: 10/31/13

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

IN RE:

Chapter 13
Case No. 08-23404 RDD

TRACY HUMPHREY,

Debtor

-----x

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in
the County of Westchester , State of New York.

On July 19th, 2010, I served a true copy of the within document, to the herein
listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed
envelope with postage prepaid thereon, in an official depository of the United States Postal
Service within the State of New York to the following:

TO:: United States Trustee
33 Whitehall Street
New York, New York 10004

Tracy Humphrey
55 Buttonwood Road
Cortlandt Manor, New York 10567

Edward L. Koester, Esq.
1457 Knapp Street
Bronx, New York 10469

JP Morgan Chase Bank, NA
Washington Mutual Bank
Bankruptcy Department
2210 Enterprise Drive SCI-3048

Florence, South Carolina 29501

JP Morgan Chase Bank, NA
Washington Mutual Bank
c/o Fein Such & Crane, PC
7 Century Drive
Parsippany, New Jersey 07054

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
19^h day of July, 2010

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 60-8764500
Qualified in Rockland County
Cert. Filed in Westchester County
Term Expires: 12/31/10